



Appn No. : 09/858,012

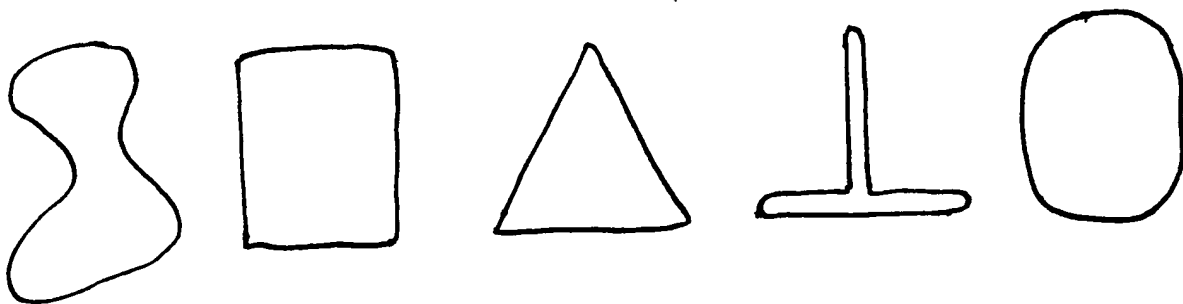
Grp./A.U.: 3727

Remarks/Arguments to accompany RCE

- I. This section is devoted to arguing further why main Claim 119 is clear, distinct, and defines a complete operative device.

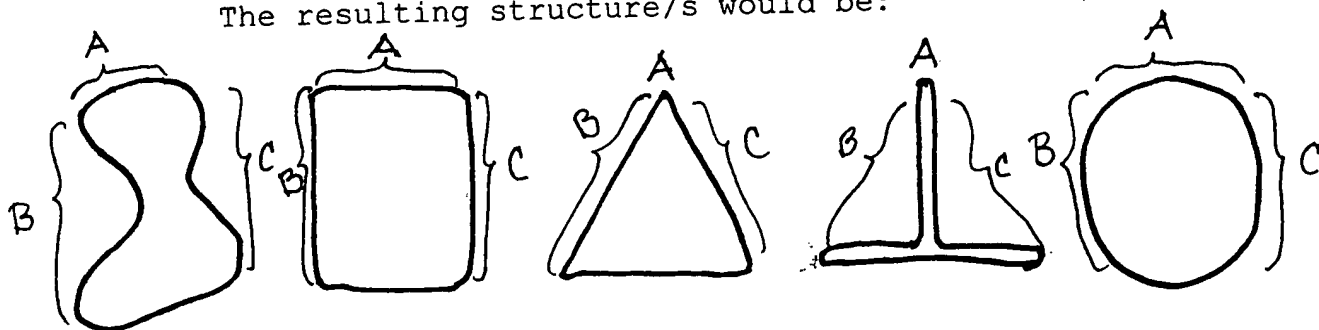
Element A: a frame face of size and shape adapted to have said pack secured thereon

The structure/s one can glean from the above description would be:



Element B: said frame face has a top frame edge, a left frame edge, and a right frame edge

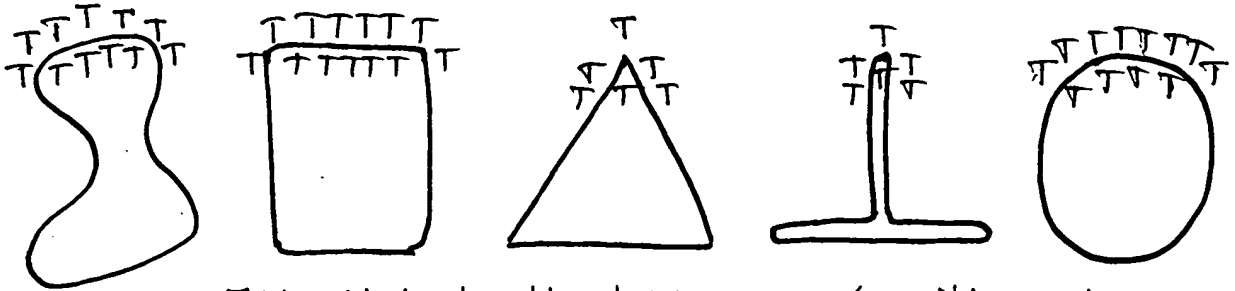
The resulting structure/s would be:



A: top frame edge
B: left frame edge
C: right frame edge

Element C: a first releasable retaining means disposed proximal to said top frame edge for releasably securing said top attachment

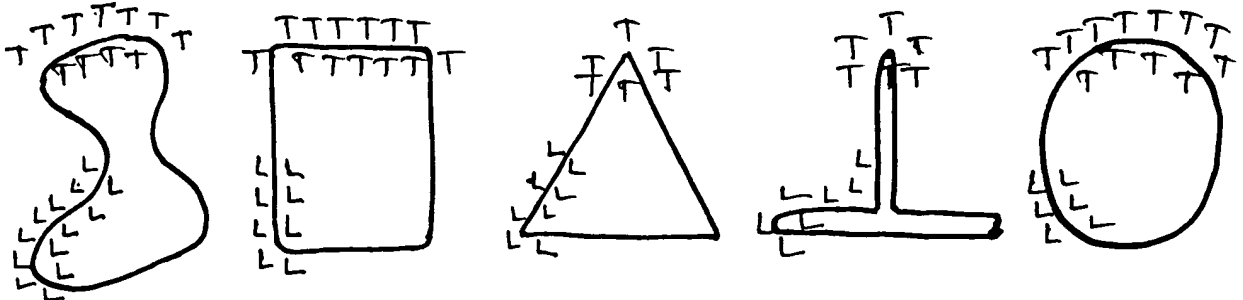
The resulting structure/s would be:



T: top/first releasable retaining means' possible locations

Element D: a second releasable retaining means disposed proximal to the lower half of said left frame edge for securing said left attachment

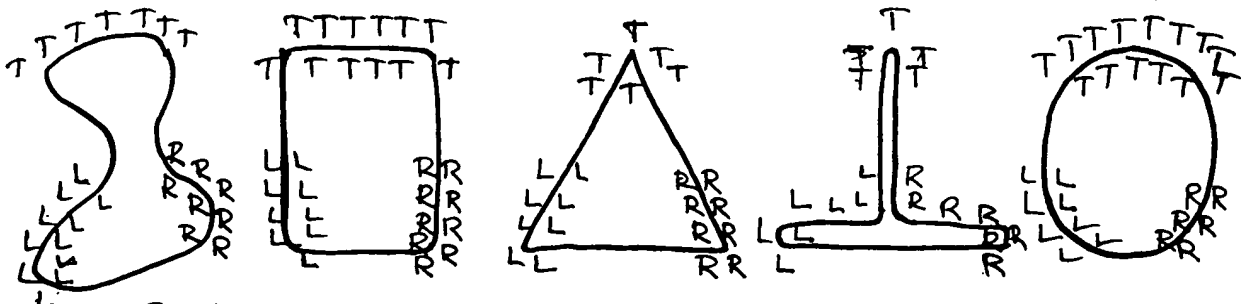
The resulting structure/s would be:



L: Second/left releasable retaining means' possible locations

Element E: a third releasable retaining means disposed proximal to the lower half of said right frame edge for securing said right attachment

The resulting structure/s would be:

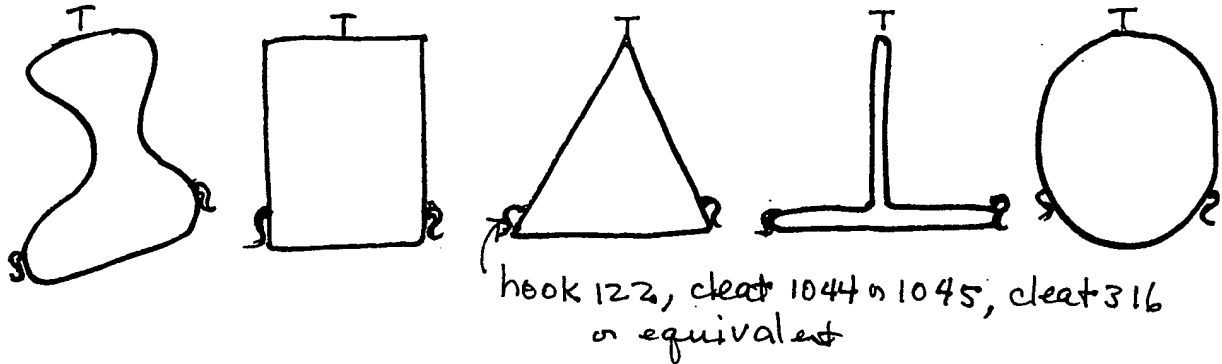


R: third/right releasable retaining means' possible locations

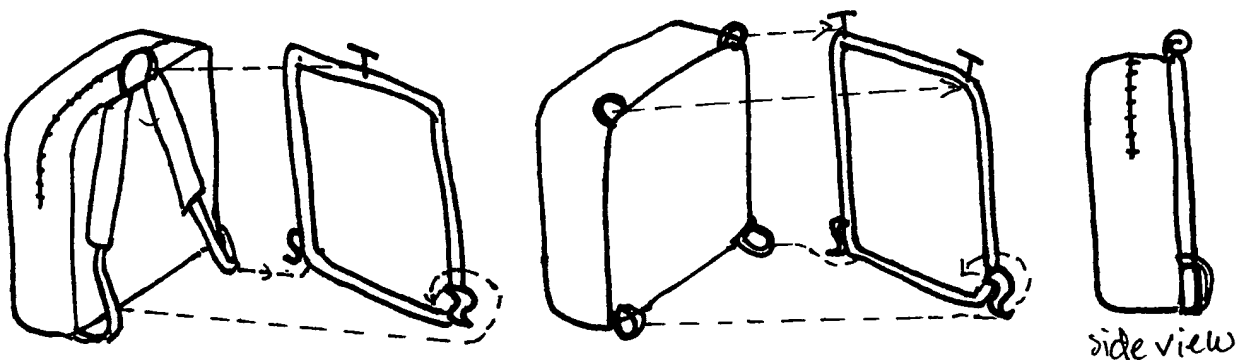
Element F: wherein the second and third releasable means are selected from a group consisting of:

- a) hook 122 or equivalent, b) cleat 316 or equivalent,
- c) cleats 1044 or 1045 or equivalent

The final resulting structure would be:
at the preferred locations:



As the Examiner can see, the final resulting structure above is a complete operative device. It can snugly hold a backpack by itself. . Perspective views of the resulting backpack and main frame combination using the method described in Claim 148 are shown below.



The specific first releasable retaining means for the top handle is not recited here (it is in Claim 121) but that is still acceptable. According to 35 USC 112 par. 6, " an element in a claim for a combination may

be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof." Incorporating this frame into various wheeled means allows the backpack to be transported where needed. The dependent claims further show how the main frame is adapted to various wheeled means.

The above resulting structure is what the applicant claims to be the main claim of the present invention. If the Examiner thinks that the interpretation based on the elements recited does not correspond to the resulting structure, and is convinced of the patentability of the above structure, the applicant is requesting the Examiner to amend the claim accordingly.

Arguments touching on the novelty, unobviousness, and patentability of the present invention are covered in the response to the final OA sent by the applicant Sept. 08, 2003, which is also made part of the RCE Submission.

II. This section is devoted to arguing the patentability of the newly added independent claim 148. Claim 148 is a method claim. The method described is **not independent** of the apparatus described in the main claim 119. The main frame is used to effect the process described in the method claim. The method as claimed cannot be used for anything else other than to

connect packs to a frame. The main frame and the method as claimed are also not distinct because they are related, not capable of separate use and are not patentable over each other. If the main claim 119 is allowed and the method claim is restricted, this method claim is now going to be obvious in view of the main claim 119. Therefore, restriction of the method claim is not proper. The reasons for insisting upon restriction as set forth in MPEP 802.01 (independent and/or distinct inventions) do not exist in this particular application.

The patentability of this method claim also rests on the patentability of the main claim. A search of prior art in the same field has not uncovered a device that can hold backpacks by simply using the already provided flexible top handles and flexible lower portions of the shoulder straps. The method may be simple but nevertheless novel and unobvious, thus patentable. The simplicity should only serve to further support the patentability of the present invention based on omission of elements. A simple invention or method usually can withstand the test of time. Consumers on a tight budget can now enjoy the benefits of having a unified, neat looking backpack and carrier combination.

Conclusion and Request for Constructive Assistance.

Therefore, based on the arguments and clarifications presented above, it is submitted that patentable subject matter as claimed is clearly present. If the Examiner is convinced but does not feel that the present claims are technically adequate, the applicant respectfully requests

the constructive assistance and suggestions of the Examiner pursuant to MPEP 706.03(d) and MPEP 707.07(j) in order that the applicant can place this application in allowable condition as soon as possible and without the need for further proceedings.

Thank you.

Respectfully yours,

Mary Ann Caneba

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on the date below:

Date: 11/07/03

Inventor's Signature: *Mary Ann Caneba*